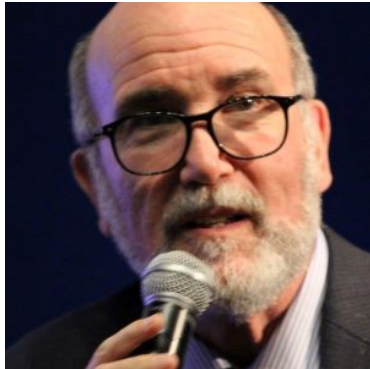




AAA Mediation.org™

## Paul E. Mason, Esq.

Miami, Florida



### Primary Areas of Expertise

Telecommunications  
Aviation  
Intellectual Property  
Information Technology  
M & A  
Joint Ventures

**Current Employer-Title** Independent Arbitrator, Mediator, Counsel

**Professional Summary** Seasoned international In-house and outside Counsel, Commercial Arbitrator and Mediator with 30+ years experience in Asia, Europe, Latin America, Canada, Russia and the U.S.

Firsts include serving on my first international arbitration tribunal with Prof. Willem Vis as Chair, suggesting and conducting and settling the first international commercial mediation in the world by videoconference, being selected as the first IMI-Certified Mediator for Brazil, and proposing and co-founding the Miami International Arbitration Society. Largest value case as sole arbitrator: USD\$24 million (aviation cargo - Latin America & Asia). Largest value case as arbitrator - panelist: USD\$90+ million (internet connection facility - Caribbean).

**Profession** Attorney, Arbitrator, IMI Certified Mediator

**Work History** Private practice, 2004 – Present; Of Counsel Affiliations, Veirano Advogados in Rio de Janeiro/São Paulo, 2011 – 2013; Bastos-Tigre, Coelho da Rocha e Lopes Advogados in Rio de Janeiro/São Paulo and Diaz Reus in Miami, 2004 – 2011; Attorney, Private Practice, 2001 – 2004; In-house Legal and Government Affairs Director (Latin America & Canada), 3Com, 1999 – 2001; President, Commercial Dispute Resolution Center of the Americas in Miami, 1996 – 1999; U.S. Legal Director, Modulo, S.A. (Brazilian IT security firm), 1996 – 1998; In-house Legal Director, Oracle (Latin America), 1994 – 1995; In-house Director (Legal and External Affairs, Latin America/Caribbean and Senior Counsel for Russia), Digital Equipment Corp., 1988 – 1994; Attorney/Consultant (International Group, Law Department), Bank of Boston, 1986 – 1987.

**Experience** Practical commercial approach to negotiating and resolving issues, gained from 15+ years in-house experience as Director/Legal & Government Relations for IT multinationals Digital Equipment, Oracle, and 3COM (Latin America/Caribbean, Canada, Russian Federation). Prior international law experience at the Bank of Boston.

### TECHNOLOGY -

IT HARDWARE, SOFTWARE & SERVICES: Business lawyer negotiating contracts with large IT and other multinationals in the U.S., Canada, Latin America, Europe and Asia. Hardware sales/agency/channels distribution & services agreements, computer and network equipment manufacturing. Corporate databases, software licensing, IT networks, cybersecurity, cloud

computing, IP (copyright, trademarks, trade secrets, NDAs), medical equipment & technology (laser powered, radiotherapy), internet issues, import-export, contracts (systems integration, outsourcing, software development), change orders. Counsel for major Brazilian IT security firm.

TELECOM: Negotiated complex contracts on billing, switching services for large telecom companies. Counseled and trained major U.S. prepaid telecom service company on contracts, labor, M&A in the Caribbean and Latin America. Cellphone licenses, cellphone distribution, R &D, e-commerce, high speed data communications, and internet access.

M&A: Analyzed and advised IT and telecom companies on M & A transactions, share purchase & shareholder agreements, due diligence for M&A.

Outside and in-house counsel for M&A and JV negotiations in the IT, telecom, energy, oil & gas, financial services industries with parties from Brazil, Central America, U.S. Issues include reps & warranties, financial guarantees, PPAs, management, NDAs, and non-competition.

ALTERNATIVE ENERGY: As outside counsel in Brazil, negotiated biofuel facilities for palm oil processing.

PRODUCT SALES/DISTRIBUTION: IT & telecom equipment.

INTERNATIONAL BUSINESS: Contracts, JVs, strategic alliances, internet security, biofuel plant design & manufacturing), palm oil, partnerships, distribution, licensing, foreign laws/regulations, currency, labor/employment, executive compensation, FCPA compliance. Civil and common law. International geographical experience focused on the following regions:

Brazil - lived there in 1970s, again from 2003. Counsel companies doing business there, mediate and arbitrate Brazilian disputes in English & Portuguese

Spanish-speaking Latin America including Puerto Rico - Latin America Legal Director for IT companies, mediated cases in English & Spanish

Russia - Russia Legal Advisor for IT multinational Digital Equipment, negotiated & mediated disputes with Russian parties.

Asia - Negotiated high-value telecom IT outsourcing contracts with major Japanese IT company; advised on major IT arbitration with Chinese company.

Canada - Legal Director for 3Com-Canada; negotiated contracts in Québec & English-speaking Canada, negotiated Brazil joint operation with Canadian telecom company, arbitrated software dispute with Canadian company..

Western Europe - Renegotiated large IT service contracts with telecom providers in France, Netherlands, Spain, and United Kingdom.

AGRIBUSINESS: food production, distribution

## **Mediator Experience**

Specialization: Mediating large complex commercial disputes. These include multi-party cases and disputes with parties from Latin America, Europe and the U.S. Mediations conducted bilingually in Portuguese and Spanish as well as English. Successfully mediated two commercial disputes with Russian parties.

Largest value successful mediation: USD\$53 million (oil & gas/environmental multi-party). Most complex successful mediation: 12 participants from six countries, electrical power generation/reinsurance in Latin America (USD\$6 million, bi-lingual).

Arranged and participated in world's first international mediation by videoconference, as advocate for Brazilian party in ICDR case resolved successfully between Brazilian party and U.S. energy multinational, 2006. Conducted commercial mediation on Zoom, September 2020.

Case experience as a mediator includes:

- Aircraft sales dispute between U.S. companies (2020);
- Agribusiness dispute between Central American growers and a multinational food distributor (2018);
- \$MM personal care products marketing-distribution dispute between Japanese and U.S. parties (2018);
- Mediating settlement of dispute between Costa Rican and U.S. companies in the charter aircraft/travel sector;
- Mediating settlement of dispute between Russian and British companies in the aviation sector;

- Mediating settlement of dispute between Russian and U.S. companies on shipping large quantities of foodstuffs;
- Mediating settlement of \$6 million multi-party dispute on electrical power generation and reinsurance with parties from Europe, Central America and U.S. (in Spanish & English);
- Mediating partial settlement of dispute between Brazilian mining and U.S./Dutch oil companies concerning post M&A environmental and tax liabilities (in Portuguese & English);
- Mediating settlement of public bid performance bond dispute between Argentine and U.S. reinsurance companies (\$5 million case, in English & Spanish);
- Mediating settlement of multi-party environmental dispute between eight multinational oil companies and local community (\$50+ million case);
- Mediating 20-30 internal disputes between U.S. multinational corporate parents and Latin and European subsidiaries.

## **Representative Issues Handled as a Mediator**

Issues in the Central American - Brazilian food distribution dispute: dealing with the corporate cultures of a large multinational and a relatively small family enterprise.

Issues in the Costa Rican - U.S. airline charter dispute: how both companies can work together going forward to recover market share lost by charter plane problems, recognition of each side's efforts to solve the problems at the time; fair apportionment of damages to compensate the passengers etc.

Issues in the Russian - American shipping company dispute: demurrage due for delays in unloading cargo, to be offset by discounts on future bookings of cargo ships.

Issues in the Central American electrical power dispute: insurance for business interruption, damage to heavy duty electrical generating equipment.

Issues in the Brazilian oil & mining company merger and acquisition dispute included post-acquisition Brazilian tax and environmental/oil spill liabilities.

Issues in the Argentina / U.S. reinsurance dispute involved liability on an insurance claim for a performance bond in a government contract.

Issues in U.S. multinational corporate parent / Latin & European subsidiary disputes covered a wide range of subsidiary operational matters in the IT industry.

Issues in the multinational oil company mediation with the Massachusetts Attorney General involved responsibility for cleaning up large underground gasoline leak in residential area.

## **Mediator Style & Process Preferences**

Mediation is a most cost-effective way to settle your dispute. With mediation, the parties participate actively and help shape the way things go. It is primarily a communications process aimed at helping parties negotiate their own settlements.

In mediation, the parties themselves have the most power to get things done, with the help of an experienced mediator. The mediator will focus on trying to enhance communication and negotiation options between the parties themselves so they can generate their own resolution, encouragement and suggestions at the right time can be helpful.

One approach I find helpful is to schedule a two-stage mediation. The first session can be held relatively soon, after some basic fact-finding and legal research. The Mediator can help identify areas of uncertainty, unrealistic assumptions and encourage the parties to check them. This should pave the way for a more productive second session. If the parties do settle in the first session, no second session is necessary.

In international mediations with parties from different countries, the role of language (verbal and non-verbal) and culture is most important. A good mediator has to be aware of these key factors all the time. My experience includes conducting mediations in Spanish and Portuguese with parties from Argentina, Brazil, Panama and other Latin American countries.

There is no single way for mediations to be conducted. They are by nature flexible and depend upon the wishes of the parties. There are many paths to successful resolutions. The mediator will look for any new or latent issues to resolve which may surface during the initial session, such as emotional

issues or internal disputes on one side. As a mediator I always assure counsel and clients that everything disclosed to the mediator during mediation will remain strictly confidential, unless specifically authorized to the contrary.

I do not work with a large volume of cases because I believe this would lessen the high degree of attention and care needed for every mediation. I usually focus on mediating large commercial cases, many of them international in scope and also work with medium size domestic disputes as well.

## **Technology Proficiency**

Available for arbitration and mediation via videoconference, in addition to in-person proceedings where safe and appropriate.

Experienced in using online platforms including Zoom. Suggested and helped arrange the world's first mediation of an arbitration case (ICDR) via videoconference, resulting in settlement. Experienced in handling/resolving ESI/electronic discovery issues in arbitration.

## **Education**

University of Maine School of Law, JD); Johns Hopkins University Paul Nitze School of Advanced International Studies, Washington, DC & Bologna, Italy (MA, International Relations with Distinction); Yale (BA, Russian Area Studies).

## **Professional Licenses**

Admitted to the Bar: Maine (1977), Massachusetts (1984); Brazilian Bar (OAB-RJ) Foreign Legal Consultant (2013-14); International Mediation Institute (IMI) Certified Mediator for Brazil, U.S.

Florida Real Estate License: # 3056316 (2003).

## **Professional Associations**

Silicon Valley Arbitration & Mediation Center: Director-General and Member, Tech List of 50+ Technology Expert Neutrals Worldwide (2017-present), Member SVAMC Board of Directors; Founder, SVAMC Latin America/Caribbean Group; Co-founder, Miami International Arbitration Society and Florida Bar International Law Section's International Litigation & Arbitration Committee (now iLaw), International Mediation Institute - first IMI-Certified Mediator in Brazil.

## **Recent Publications & Speaking Engagements**

### **RECENT PUBLICATIONS**

"International Commercial Arbitration Practice: 21st Century Perspectives", Founding General Editor with Horacio Grigera-Naon, Co-Editor & Gustavo Moser, Assistant Editor, Lexis-Nexis/Matthew Bender books, NY, 2010-present (2 volume set), 60+ chapters with annual updates.

"Arbitration of M & A Disputes", in Disputes Digest section of the China Business Law Journal, June 2015.

Co-author, "Arbitration and Mediation of Contracts Governed by the CISG", Working Paper for the II CPR Brazilian Business Mediation Congress, Belo Horizonte, Brazil, April 2014; Portuguese version published in bulletin of the Federation of Chambers of Commerce for Foreign Trade (FCCE), March 2014.

"Brazil: Proposed reforms to arbitration law ready for scrutiny", Global Arbitration Review (London) online, 7 October 2013.

"Brazil: Reforms to Dispute Resolution", Latin Lawyer (London) online, 15 October 2013.

"Suggested Changes to Brazil's Arbitration Law", The Commercial, Shipping & Investment Arbitration Watch (Madrid), Issue 19, July - September 2013.

"Dueling Tribunals at the Jirau Dam", revised version for IBA Arbitration News, September 2013 issue, and Vista Brazil, a Veirano monthly client newsletter, September 2012.

"The Arbitrator as Mediator, and Mediator as Arbitrator," JOURNAL OF INTERNATIONAL ARBITRATION, The Hague (December 2011) and Follow- On Note (JOIA, April 2012)

"Dispute Resolution in Brazil" for the Chinese investor website [www.chinagoabroad.com](http://www.chinagoabroad.com) 2011 - 2012.

"Videoconferencing for International Mediation and Arbitration," chapter in INTERNATIONAL COMMERCIAL ARBITRATION PRACTICE: 21ST CENTURY PERSPECTIVES, Lexis-Nexis books, October 2010, and REVISTA BRASILEIRA DE ARBITRAGEM (BRAZILIAN JOURNAL OF ARBITRATION), No. 11, 2006;

Interviewed for and comments published as part of several articles in "A Closer Look at Arbitration in Brazil," Special Issue of Global Arbitration Review (London), Vol. 4, Issue 6 (January 2010).

For other articles, see [www.paulemason.info](http://www.paulemason.info)

#### RECENT SPEAKING ENGAGEMENTS

Moderator, Aviation Disputes Panel in Program on Aviation/Aerospace Disputes, Miami Arbitration Week 2023, with Panelists Jaime Garcia-Nieto/Airbus Latin America, Johannes Willheim/Jones, Day Frankfurt & Paris, and Donald Gray/Holland & Knight Miami.

"Mediating Commercial Disputes between Global and Local Companies", New York State Bar Assn. Brazil Chapter (2015).

Panel speaker on "Choosing Arbitral Institutions, Arbitrators and Mediators for Disputes with the Brazilian Public Administration: a Perspective from Abroad" (in Portuguese), I Annual Conference on Arbitration and Mediation in the Brazilian Public Sector, Brasília (2015)

Lecture at Tsinghua University Law School, Beijing, for LL.M. students in Tsinghua's International Arbitration Program. "Arbitration Experience in the International Environment: Focus on the USA and Latin America/Brazil" (2015)

Panel speaker on Arbitration in Latin America at the Hong Kong International Arbitration Centre (2015).

Panel speaker, "The CISG and Arbitration", Conference on the CISG and Brazil, Curitiba (2015).

Panel speaker, "Mediation in Business Sectors", 2d Brazilian Business Arbitration & Mediation Congress", São Paulo, 2015.

Speaker on panel "International Construction and Infrastructure Projects: The Latest Conflict Management Options" at ICDR Conference on International Conflict Management, São Paulo, November 2013.

Opening speaker on "Combining Mediation and Arbitration to Resolve Business Disputes" (in Portuguese), 3rd Annual Santa Catarina (Brazil) Seminar on Mediation and Arbitration, Joinville-SC, Brazil, September 2013.

"Use of MED-ARB and ARB-MED in International Commercial Disputes", Rio de Janeiro Bar Association (OAB-RJ), April 2012.

For earlier presentations, see [www.paulemason.info](http://www.paulemason.info)

**Locations Where Parties Will Not be Charged for Travel Expenses** Miami and Rio de Janeiro, Brazil

**Mediation Rate** \$450 Per Hour

**Languages** English, French, Portuguese, Russian, Spanish

**Citizenship** United States of America

**Locale** Miami, FL

The AAA's Rules provide the AAA with the authority to administer a mediation including, mediator appointment, general oversight and billing. Accordingly, mediations that proceed without AAA administration are not considered AAA mediations, even when the parties select an mediator who is on the AAA's Roster.

The information contained in this resume has been supplied solely by the individual mediator and may, or may not, be a complete recitation of their experience. The AAA assumes no responsibility for the content, completeness, accuracy, or reliability of the information contained in a mediator's resume. If you have any questions about a mediator's experience or background, you are encouraged to contact your case manager.

Mediators on the AAA Roster are not employees or agents of the AAA.